

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ADAIR MARIE ROSE,

Plaintiff,

v.

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

No. 2:13-CV-0337-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated Motion for Remand of the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 20.

Attorney Dana Chris Madsen represents Plaintiff; Special Assistant United States Attorney Richard M. Rodriguez represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file, and proposed order,

IT IS ORDERED:

1. The parties' Stipulated Motion For Remand, **ECF No. 20**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) shall hold a new hearing and: (1) reevaluate Plaintiff's mental impairment(s), to include further development of the record including (a) sending interrogatories to Timothy

1 Gardner, M.D., regarding any mental health limitations during the relevant time
2 period if possible, and (b) seeking further clarification from a psychological expert
3 regarding any mental health limitations during the relevant period; (2) seek further
4 clarification from a medical expert as to any possible functional limitations
5 resulting from fatigue during the relevant period if necessary; (3) further evaluate
6 the additional evidence submitted to the Appeals Council, including the opinions
7 of Dr. Gardner; John Arnold, Ph.D.; and Andrew Forsyth, Ph.D.; (4) further
8 evaluate Plaintiff's residual functional capacity in light of the expanded record;
9 (5) further evaluate Plaintiff's subjective complaints pursuant to SSR 96-7p; and
10 (6) obtain vocational expert evidence at steps four and five of the sequential
11 evaluation process if necessary. The ALJ will take any other actions necessary to
12 develop the record, and Plaintiff may submit additional evidence and arguments to
13 the ALJ.

14 2. Judgment shall be entered for **PLAINTIFF**.

15 3. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is
16 **STRICKEN AS MOOT**.

17 4. An application for attorney fees may be filed by separate motion.

18 The District Court Executive is directed to enter this Order, forward copies
19 to counsel, and **CLOSE THE FILE**.

20 DATED May 23, 2014.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE